

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Miguel Barraza, et al,

2:16-cv-00484-JAD-VCF

Plaintiffs

V.

U.S. Bank National Association, et al,

Order Denying Motion for Entry of Default

Defendants

[ECF No. 16]

9 Plaintiffs Miguel Barraza, Dinora Barraza, and Nana I AM sue U.S. Bank, Clear Recon
10 Corp., PNC Bank, and the Golden Team Keller Williams Realty for a host of claims including fraud,
11 RICO, and conspiracy.¹ The plaintiffs move the Clerk of Court to enter default against Clear Recon
12 Corp., arguing that this defendant was served on March 7, 2016, but has not answered the
13 complaint.²

14 Rule 55(a) of the Federal Rules of Civil Procedure requires a default to be entered “when a
15 party against whom a judgment for affirmative relief is sought has failed to plead or otherwise
16 defend.”³ Although the plaintiffs are correct that Clear Recon Corp. has not answered, it has
17 otherwise defended itself in this action: it has joined in the banks’ motion to dismiss.⁴

18 Accordingly, IT IS HEREBY ORDERED that plaintiffs' request for entry of default [ECF
19 No. 16] is DENIED.

Dated this 29th day of April, 2016


Jennifer A. Dorsey
United States District Judge

25 | ¹ ECF No. 1.

26 || ² ECF No. 16.

³ Fed. R. Civ. P. 55(a).

⁴ See ECF No. 17.